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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

PRIME INSURANCE COMPANY

Plaintiff,

v.

WACKER CONSTRUCTION CO., INC.
d.b.a. WCC ROOFING & SHEET METAL,
INC.

Defendant.

**STIPULATION AND MOTION FOR
DISMISSAL**

Case No: 2:18-cv-00205-RJS-EJF

Judge: Robert J. Shelby

Magistrate Judge: Evelyn J. Furse

The above-referenced parties, by and through counsel and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby stipulate that the above matter has been resolved by way of settlement and can therefore be dismissed. This matter can be dismissed with prejudice except for the allegations related to the First Congregational claim arising out of the July 25, 2016 incident, which shall be dismissed without prejudice. The parties agree that if necessary, Plaintiff shall be entitled to refile this action for a determination of the coverage issues related to the First

Congregational claim only. Accordingly, the parties move the Court to enter an Order of Dismissal, with each party to bear its own costs and fees. A proposed Order is submitted herewith.

DATED this 2nd day of December, 2019

STRONG & HANNI

By /s/ Andrew B. McDaniel

Andrew D. Wright

Andrew B. McDaniel

Attorneys for Plaintiff

DATED this 2nd day of December, 2019

SWANSON MIDGLEY, LLC

By /s/ James Franklin Freeman, III

James Franklin Freeman, III

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2019, a true and correct copy of the foregoing **STIPULATION AND MOTION FOR DISMISSAL** was served by the method indicated below, to the following:

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/S/ Heidi McEwen